



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/771,727

02/04/2004

Hideyuki Hayashi

17412

4048

23389 7590 09/12/2007
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

QUIETT, CARRAMAH J

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,727	Applicant(s) HAYASHI, HIDEYUKI	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 11-19, 23 and 33-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 20-22 and 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/02/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 11-15, 18-19, 23 and 33-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 06/12/2007.

The Applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statements (IDS), filed on 03/18/2004, 05/27/2004, and 10/28/2005, have been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Objections

4. Claims 1 and 20 are objected to because of the following informalities: On line 14 of claim 1 and line 14 of claim 20, "camera-function limitation data" should be "the camera-function limitation data". Please note that the examiner has found other errors (possibly typographical) in the claims, such as claims 3 and 8. While the examiner has specifically pointed

out the informalities for claims 1 and 20, the applicant is respectfully asked to look for and correct informalities in all the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "each of the at least one operation-limited area" in line 9. However, Applicant introduced "operation-limited area" as "an operation-limited area" on line 7 and again as "an operation-limited area" on lines 14-15. Is the applicant claiming one area or each of the at least one area? Please note that that particular limitation is also appears in claim 3. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 20 recites the limitation "each of the at least one operation-limited area" in line 9. However, Applicant introduced "operation-limited area" as "an operation-limited area" on line 7 and again as "an operation-limited area" on line 14. Is the applicant claiming one area or each of the at least one area? Please note that that particular limitation is also appears in claim 22. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1, 2, 3, 20, 21, 22, 24, and 25** are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter (U.S. Pat. #6738572).

For **claim 1**, Hunter discloses a system (fig. 2) for limiting a plurality of camera functions in a mobile communication terminal equipped with a camera (not shown) (col. 4, lines 43-65; col. 5, lines 17-50), comprising:

at least one operation-limited area (predetermined area, such as a museum), wherein the mobile communication terminal is allowed to determine whether the mobile communication terminal is located within an operation-limited area (col. 4, lines 50-65; col. 5, lines 28-41);

a memory (104) storing camera-function limitation data for each of the at least one operation-limited area, the camera-function limitation data indicating selective inhibition of the plurality of camera functions (col. 4, lines 43-65; col. 5, lines 17-50); and

a camera function (106) controller for selectively inhibiting the plurality of camera functions depending on camera-function limitation data corresponding to an operation-limited area in which the mobile communication terminal is located (col. 4, lines 50-65).

For **claim 2**, Hunter discloses the system according to claim 1, wherein the camera function controller releases an inhibited camera function when a predetermined condition is satisfied (col. 4, lines 50-65).

For **claim 3**, Hunter discloses the system according to claim 1, wherein each of the at least one operation-limited area substantially defined by radio propagation of a camera-function limiting signal broadcast by a radio station (16/118) installed at a predetermined location, the camera-function limiting signal including the camera-function limitation data,

wherein the mobile communication terminal comprises a radio receiver (110) for receiving the camera-function limiting signal from the radio station. Please see fig. 2 and read col. 4, lines 50-65.

Claims 20-22 are method claims corresponding to apparatus claims 1-3, respectively. Therefore, claims 20-22 are analyzed and rejected as previously discussed with respect to claims 1-3, respectively.

For **claim 24**, Hunter discloses a mobile communication terminal (fig. 2) which is equipped with a camera (not shown) and has a plurality of camera functions (col. 4, lines 43-65; col. 5, lines 17-50), comprising:

a radio receiver for receiving a camera-function limiting signal from a radio station installed at a predetermined location (col. 4, lines 50-65; col. 5, lines 28-41);

a signal decoder(106) for decoding the camera-function limiting signal to produce camera-function limitation data indicating selective inhibition of the plurality of camera functions (col. 4, lines 50-65); and

a camera function (106) controller for selectively inhibiting the plurality of camera functions depending on camera-function limitation data (col. 4, lines 50-65).

Claim 25 is an apparatus claim corresponding to apparatus claim 3. Therefore, claim 25 is analyzed and rejected as previously discussed with respect to claim 3.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 4, 5, 26, and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pat. #6940543) in view of Masuda (Pub. No. US 2002/0118797).

For **claim 4**, Hunter discloses the system according to claim 3, further comprising a smart card or alternately a remote transmitter for re-enabling the functions of the camera.

However, Hunter does not expressly teach the system further comprising: an emergency communication detector for detecting occurrence of an emergency communication to inform the camera function controller of the occurrence of the emergency communication, wherein, when informed of the occurrence of the emergency communication in a case of inhibition of a predetermined camera function, the camera function controller releases the inhibition of the predetermined camera function.

In a similar field of endeavor, Masuda discloses an emergency communication detector (fig. 2) for detecting occurrence of an emergency communication to inform the camera function

Art Unit: 2622

controller of the occurrence of the emergency communication, wherein, when informed of the occurrence of the emergency communication in a case of inhibition of a predetermined camera function, the camera function controller releases the inhibition of the predetermined camera function. Please read pgs. 2-3, pgphs. 0042-0050. In light of the teaching of Masuda, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hunter with the emergency detector of Masuda in order provide video communication in case of an emergency (Masuda, page 1, pgphs. 0008 and 0009).

For **claim 5**, Hunter, as modified by Masuda, discloses the system according to claim 4, wherein the predetermined camera function is a video telephone function (Masuda, pg. 2, pgphs. 0034-0035).

Claims 26-27 are apparatus claims corresponding to apparatus claims 4-5, respectively. Therefore, claims 26-27 are analyzed and rejected as previously discussed with respect to claims 4-5, respectively.

13. **Claims 6 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pat. #6940543) in view of Steinburg et al. (U.S. Pat. #6,433,818).

For **claim 6**, Hunter discloses the system according to claim 3, further comprising a smart card or alternately a remote transmitter for re-enabling the functions of the camera. However, Hunter does not expressly teach a face image memory for previously registering a face image of each authorized user, wherein, when an input image picked up by the camera matches a face image registered in the face image memory in a case of inhibition of a predetermined camera

Art Unit: 2622

function, the camera function controller releases the inhibition of the predetermined camera function.

In a similar field of endeavor, Steinberg teaches a face image memory (fig. 13, block 208) for previously registering a face (eye) image of each authorized user (col. 9, lines 14-37), wherein, when an input image picked up by the camera matches a face image registered in the face image memory in a case of inhibition of a predetermined camera function, the camera function controller releases the inhibition of the predetermined camera function (col. 9, lines 14-37). In light of the teaching of Steinburg, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hunter with the face detection feature of Steinburg in order to limit camera usage by an authorized person (Steinburg, col. 2, lines 2-6).

Claim 28 is an apparatus claim corresponding to apparatus claim 6. Therefore, claim 28 is analyzed and rejected as previously discussed with respect to claim 6.

14. **Claims 7 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pat. #6940543) in view of Steinburg et al. (U.S. Pat. #6,433,818) as applied to claims 6 and 28 above, and further in view of Masuda (Pub. No. US 2002/0118797).

Claims 7 and 29 each correspond to apparatus claim 5. Therefore, claims 7 and 29 are each analyzed and rejected previously discussed with respect to claim 5.

Art Unit: 2622

15. **Claims 8, 9, 30, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pat. #6940543) in view of Masuda (Pub. No. US 2002/0118797) and Steinburg et al. (U.S. Pat. #6,433,818).

For **claim 8**, Hunter discloses the system according to claim 3, comprising a smart card or alternately a remote transmitter for re-enabling the functions of the camera.

However, Hunter does not expressly teach an emergency communication detector for detecting occurrence of an emergency communication to inform the camera function controller of the occurrence of the emergency communication; and a face image memory for previously registering a face image of each authorized user, wherein, in one of cases where the camera function controller is informed of the occurrence of the emergency communication in a case of inhibition of a predetermined camera function and where an input image picked up by the camera matches a face image registered in the face image memory in a case of inhibition of the predetermined camera function, the camera function controller releases the inhibition of the predetermined camera function.

In a similar field of endeavor, Masuda discloses an emergency communication detector (fig. 2) for detecting occurrence of an emergency communication to inform the camera function controller of the occurrence of the emergency communication; and please read pgs. 2-3, pgphs. 0042-0050.

Also, in a similar field of endeavor, Steinberg teaches a face image memory (fig. 13, block 208) for previously registering a face (eye) image of each authorized user (col. 9, lines 14-37),

Hunter, as modified by Masuda and Stenberg, teaches wherein, in one of cases where the camera function controller is informed of the occurrence of the emergency communication in a case of inhibition of a predetermined camera function (Masuda, pgphs. 0042-0050) and where an input image picked up by the camera matches a face image registered in the face image memory in a case of inhibition of the predetermined camera function (Steinberg, col. 9, lines 14-37), the camera function controller releases the inhibition of the predetermined camera function (Masuda, pgphs. 0042-0050; Steinberg col. 9, lines 14-37).

In light of the teaching of Masuda, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hunter with the emergency feature of Masuda in order provide video communication in case of an emergency (Masuda, page 1, pgphs. 0008 and 0009).

In light of the teaching of Steinburg, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hunter with the face detection feature of Masuda in order to limit camera usage by an authorized person (Steinburg, col. 2, lines 2-6).

For **claim 9**, Hunter, as modified by Masuda and Stenberg, system according to claim 8, wherein the predetermined camera function is a video telephone function (Masuda, pg. 2, pgphs. 0034-0035).

Claims 30-31 are apparatus claims corresponding to apparatus claims 8-9, respectively. Therefore, claims 30-31 are analyzed and rejected as previously discussed with respect to claims 8-9, respectively.

16. **Claims 10 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (U.S. Pat. #6940543).

For **claim 10**, Hunter discloses system according to claim 3, wherein the radio station broadcasts the camera-function limiting signal. Please see fig. 2 and read col. 4, lines 50-65. However, Hunter's second embodiment in fig. 2 does not expressly teach broadcasting in a short-range radio communication scheme, which is different from a radio communication scheme of the mobile communication terminal.

In the same field of endeavor, Hunter's first embodiment (fig. 1) broadcasts the camera-function limiting signal in a short-range radio communication scheme (14), which is different from a radio communication scheme of the mobile communication terminal (col. 3, line 66 – col. 4, line 13). Please note that figure 2 of Hunter illustrates a transmitter with the same reference number (14) as in figure 1 of Hunter. In light of the teaching of Hunter's first embodiment, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second embodiment of Hunter with a short-range radio communication scheme in order to provide a restricted predetermined area for the use of the camera (Hunter, col. 1, lines 37-45).

Claim 32 is an apparatus claim corresponding to apparatus claim 10. Therefore, claim 32 is analyzed and rejected as previously discussed with respect to claim 10.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2622

- | | |
|-----------------------------|--|
| Perotti et al. (US 6940543) | A method for transmitting at least one digital image file between first and second devices, which have limited range wireless receivers. |
| Homma et al. (US 6950126) | A camera with having a communication ability, which prohibits the announcing (vibration or displaying) of an incoming call. |
| Abe et al. (US 7,110,666) | An electronic device with a camera, and a preventative function to block inappropriate photographing, such as spy shots. |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NGOCYEN VU
SUPERVISORY PATENT EXAMINER